

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI  
MONDAY, MARCH 2, 2020 AT 7:00 P.M.  
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 TEN MILE ROAD**

**Mayor Gatt called the meeting to order at 7:00 P.M.**

Mayor Gatt informed everyone that Lee BeGole, the first Police Chief in the City of Novi, a man whose name appears on Police Headquarters, and a man that we honored several years ago by naming a street after him, passed away February 29th. Lee was 99 years old. He led a long life, and until a little while ago, healthy and productive. Mayor Gatt said he was proud that we recognized his greatness while he was alive and honored him by putting his name on a building and a street. He said that Lee was so proud and stood tall listening to all the great things being said about him. Mayor Gatt has said our Police Department is second to none and much of the credit goes to Lee BeGole. Long before anyone thought of it mandated that our police officers have a four year degree to be hired. He was a visionary who could see back in the 1970's that our police officers needed to be educated. He knew that the police officers of the future had to be smart, educated and think on their feet. Lee held a Juris Doctorate Degree from University of Detroit. On a personal note, he was a friend. He said that Lee hired him to become a police officer in 1975, and until he retired in 1991, the Mayor worked under his command. We saw Novi grow from a farm community to the great city that it was then. Lee led with pride, grace, and dignity. All of the Novi cops were his family. Mayor Gatt said he personally owed everything to Lee BeGole. He met the mother of his children at the Police Department; they were married over 20 years. He said that Lee played an important part of his life. He stated that he would not have been on City Council or Mayor. Lee was a father figure to all the young cops in the day. He was respected by all, and loved by all. Lee never married nor had children. The officers, dispatchers, clerks, all of whom he personally hired were his kids. He loved us all. He didn't stop there. He loved everyone in Novi and helped many personally. There are countless stories about how Lee impacted so many lives. He was a unique man, a legend, and true Novi icon. We the retirees from the Novi Police Department and we the citizens of Novi shall miss him. We owe him a great deal. He asked everyone to observe a moment of silence for Lamont (Lee) C. BeGole.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Mayor Gatt, Mayor Pro Tem Staudt, Council Members Breen, Casey, Crawford, Fischer, Mutch

**ALSO PRESENT:** Pete Auger, City Manager  
Victor Cardenas, Assistant City Manager  
Thomas Schultz, City Attorney

**APPROVAL OF AGENDA:**

**CM 20-03-022 Moved by Casey, seconded by Staudt; CARRIED UNANIMOUSLY**

**To approve the Agenda as presented.**

**Roll call vote on CM 20-03-022**

**Yeas: Staudt, Breen, Casey, Crawford, Fischer,  
Mutch**

**Nays: None**

**PRESENTATIONS:**

1. Proclamation in recognition of National Nutrition Month for March and March 11, 2020 as Registered Dietitian Day – Aarti Batavia, Ascension Providence Hospital

Aarti Batavia said on behalf of the Michigan Academy of Nutrition and Diabetics she thanked Mayor Gatt and City Council for the Proclamations declaring March as National Nutrition Month and March 13<sup>th</sup> as Registered Dietitian Day. Ms. Batavia is a registered dietitian, nutritionist, and certified functional medicine practitioner and has her office out of Ascension Providence Park Medical Office Building. She helps individuals that have autoimmune conditions such as IBS, Crohn's disease, ulcerative colitis, fibromyalgia and helps individuals with cognitive decline. The purpose of National Nutrition Month is to increase the public awareness of the importance of good nutrition. She said we need to Eat Right; Bite by Bite is this year's National Nutrition Month's theme. She wanted to take this opportunity to encourage everyone to make informed food choices, develop sound eating habits, and physical activity habits. Plan your meals and take your lunch from home. Every bite counts. Food is information for your genes. She thanked Mayor Gatt for all of his cooperation. He thanked her for everything she does to try and keep everyone healthy. Mayor Gatt said health is a gift.

2. Detroit Institute of Arts – Amanda Harrison Keighley, Community Engagement Manager

Amanda Harrison Keighley, Community Engagement Manager of the Detroit Institute of Arts said she is focused on Oakland County. She brought an update from the Detroit Institute of Arts. She helps facilitate their senior programming on Thursdays, as well as their Inside/Out Program which brings reproductions of DIA artwork into communities just like Novi. She stated that the DIA is a national treasure. They are ranked Number 5 in the United States in terms of importance for their museum of their collection. They are best known for their Diego Rivera's Industry Murals, they were home to the first Vincent Van Gogh and Musee to enter the United States public collection. They also have Bruegel's, the Wedding Dance. She said last month they were very well known for Jim Henson's Kermit the Frog which is now on display. They have over 65,000 pieces in their collection she was proud to say that the Detroit Institute of Art has something truly for everyone. She stated that they have seen 2 million visitors since 2012. She said this was due to the millage that was passed in 2012 that allows for its 0.2 mills. They also started a contract with the Tri-County area that gives you free admission; free school field trip that includes transportation for grades K-12. They offer specialty programs for seniors on Thursdays, as well as community partnership programs, like the Inside/Out Program that she mentioned earlier. They had 165,000 from Oakland County specifically since that time. We also have 439,000 students on free field trips since 2012. Last year alone we had 22,000 students come to the Detroit Institute of Arts on free school field trip that

includes bus transportation. This is a service that many school districts would not be able to provide if it weren't for the relationship that we have in our schools. She stated they had several schools from Novi participate in the program as well. That program extends to teacher training through our visual technologies strategies and that is basically teachers are welcome to come and participate in a program that will teach you team building skills to take back into your classroom. She said we had 250 teachers from Oakland County participate in that last year. They built special relationships with our senior community. We had 1300 senior groups visit since 2012. Last year they had 80 groups from Oakland County come to the DIA for the Thursday's at the Museum Program. Our commitment to the County is to have 60 groups. We are not only exceeding their commitment to the County, but we are meeting a clear demand that's there. We have worked closely with the Novi Public Library; we have a bus trip for their seniors coming up on April 2, 2020. It was a popular program that the woman she was working with to organize it, Gail Anderson asked if she could have two buses. She has so many on the waiting list wanting to participate in this program. They have also been able to develop community partnerships throughout the area. This could include public murals. They have one in Clarkston and one coming up in Berkley this year. Their goal is to have one in every city throughout the Oakland County area. That will probably take a long time. They also offer drop-in art making workshops. If you have a special event happening in Novi they are happy to come in and offer family programming art making. They also have the Inside/Out Program that has been in Novi several times before. They were part of the David Barr Sculpture Park and they have been in 157 areas in the Tri-County region since 2012. This year they have 11 installations going in throughout Oakland County. They have been able to expand the program to include photographs which is unique this year. They have three photographs that are part of the Inside/Out Collection. They also have a millage coming up. It was originally voted on in 2012, there will be language on the ballot to either renew or not the agreement that they have. What that means is that a home valued at \$150,000 would be \$15.00 annually. She was there to answer any questions; she would love to hear from you. Mayor Gatt thanked her for coming that evening to talk about a beautiful facility. The Detroit Institute of Arts is really something.

**MANAGER/STAFF REPORT: None**

**ATTORNEY REPORT: None**

**AUDIENCE COMMENT:**

Mike Duchesneau, 1191 S. Lake Dr., Novi, said he was there to talk about Asian Village/Sakura. He supported the rezoning. It will be a gem in the City. We need the Asian support in expanding that. He is opposed to the parallel parking that may be included on 11 Mile Road. It's a 35 MPH road. He also would like the wetlands that are being mitigated to remain in Novi. He would prefer to see that land remain in Novi. He was aware that the City has worked with the applicant to do that, but they have not come to any agreements. He also mentioned that he was in support of what Sakura is

doing with our Library. They are providing books and events that are Asian-themed. He believed the project would be a wonderful asset for our city.

**CONSENT AGENDA REMOVALS AND APPROVALS:**

Member Fischer removed Item C from the Consent Agenda for further discussion.

**CM 20-03-023            Moved by Fischer, seconded by Gatt; CARRIED UNANIMOUSLY**

**To approve the Consent Agenda as amended.**

- A. Approval of Minutes from February 24, 2020 - Regular Meeting
- B. Enter executive session immediately following the regular meeting of March 2, 2020 in the Council Annex for the purpose of discussing privileged correspondence from legal counsel.
- C. Approval of (1) Traffic Control Order 20-01 for the implementation of a 25 MPH school speed limit on Wixom Road from 1,000 feet south of Eleven Mile to 1,000 feet north of the northern property line of the Novi Community Schools District parcel on school days only during the periods of 7:15 AM to 9:15 AM and 2:30 PM to 4:15 PM and, (2) Traffic Control Order 20-02 for the implementation of a 25 MPH school speed limit on Eleven Mile Road from Wixom Road to 1,000 feet east of the eastern property line of the Novi Community Schools District parcel on school days only during the periods of 7:15 AM to 9:15 AM and 2:30 PM to 4:15 PM. **REMOVED/LATER APPROVED**
- D. Approval of a Warranty Deed to dedicate 60 feet of half-width right-of-way along the east side of Wixom Road as part of the Villas at Stonebrook residential development (parcel 50-22-17-301-085).
- E. Approval of the final payment to Highway Maintenance and Construction Company for the 2018-2019 Chip Seal Program in the amount of \$78,784.51, plus interest earned on retainage.
- F. Approval to apply for the 2019 Assistance to Firefighters Grant (AFG) to replace 12 Fire Department Automatic External Defibrillators (AED's) and accessories through a regional AFG grant with Dearborn Height Fire Department with an estimated 10% city match of \$1,734.
- G. Approval to purchase one 2019 Dodge Grand Caravan retrofitted to be ADA compliant for Older Adult Services from Galeana's Van Dyke Dodge through the MiDeal Cooperative Purchasing Contract, in the amount of \$44,270.
- H. Approval of Claims and Warrants – Warrant No. 1055.

**Roll call vote on CM 20-03-023 Yeas: Breen, Casey, Crawford, Fischer,  
Mutch, Gatt, Staudt  
Nays: None**

## **MATTERS FOR COUNCIL ACTION**

### **1. Appointments to Boards and Commissions.**

**CM 20-03-024 Moved by Staudt, seconded by Fischer; CARRIED UNANIMOUSLY**

**Mayor Gatt submitted for reappointments to the Library Board, Tara Michener and Geoffrey Woods**

**Voice vote on CM 20-03-024 Carried Unanimously**

Mayor Gatt thanked everyone who applied. He asked the other applicants who were not appointed to not give up trying.

City Clerk Hanson provided the results of the balloting: Celia Todd was reappointed to a full term on the Beautification Committee, there was no one appointed to the Board of Review. On the Construction Board of Appeals Patrick Torossian was appointed for the vacancy expiring in 2023. Lee Mamola was reappointed for the vacancy ending in 2024. There were no candidates that received enough votes to be appointed to the Historical Commission. On the Housing and Community Development Advisory Committee, Priya Gorumurthy was appointed. Mike Thompson was appointed to the Zoning Board of Appeals.

**2. Consideration of tentative approval of the request of Robert B. Aikens & Associates, LLC and Robertson Brothers Homes, for Sakura Novi, JZ19-31, with Zoning Map Amendment 18.732, to rezone property from Office Service (OS-1), Office Service Commercial (OSC), and Light Industrial (I-1) to Town Center-1 (TC-1), subject to a Planned Rezoning Overlay (PRO) Agreement, and corresponding PRO Concept Plan. The property is located north of Grand River Avenue, south of Eleven Mile Road, and east of Town Center Drive in Section 23, and totals approximately 16 acres. The applicant is proposing to develop the property as an Asian-themed mixed-use development.**

City Manager Auger said this has been an ongoing process between developers and staff. There was an aggressive timeline laid down and they have moved it along for the consideration.

Mr. Aikens stated that Novi Michigan at the intersection of I-96, I-696, M-5 and I-275 stands one of the Metropolitan Detroit's most critical intersections. It is apropos then that Novi is one of Michigan's most worldly cities. Novi is home to many of the international executives, engineers, and developers, as well as their families that are and will be so critical in driving forward Michigan's leadership in the areas of mobility

and autonomous vehicles. He said back in 2017 they began to work together on Sakura Novi, an international theme, multi-dimensional place. He thanked Mayor Gatt, Mayor Pro Tem Staudt, Member Mutch, Member Casey, Member Breen for having given him and his team this opportunity to work with you on this vision for the City's land. He also thanked Member Fischer and Member Crawford for their support as they have gone through this process. He stated that his team has worked hard to achieve all of the attributes of the vision that they discussed then at the fundamental levels Sakura Novi would serve to do two things. First Sakura Novi would be a place right here in Michigan that would feel authentic to many of the members of this international workforce, both visiting here and living here. Most importantly it would make many people for abroad feel at home here. Second, Sakura Novi would boldly tell everyone in Oakland County and in Michigan, along with the Mid-West that Novi is a worldly cosmopolitan city. Anyone can learn about this fact if they choose to read demographic reports. This pales in contrast to everyone knowing this fact because they have visited a place in Novi that tells them it is so. He highlighted the site plan for the audience that they agreed to deliver in conjunction with the provisional purchase agreement between the City and Sakura Novi LLC. Most importantly he wanted to report that through thick and thin that they are delivering the four main components in portrayed in the early plan. First is the 25,000 square foot anchor tenant, One World Market. Personally he believed it would be a Whole Foods caliber facility, but focused on Japanese dining concepts, and Japanese grocery products. Second they are curating a first in class selection of Asian restaurants and none restaurants retail concepts. Third, the residential townhome community, these 118 urban homes will offer Novi a multi-faceted walkable living option that should help create the prized 24-7 activity that can help bring downtown to life. These units will offer an attractive living option to many of the expatriate families that settle in Novi making people feel at home here while abroad. Fourth, they have worked hard to make sure to activate the pond on the City owned parcel as a central park like amenity as per the City's 2016 Master Plan Update. A walking path and Japanese inspired gardens and landscape features will ring around the lake and proceed through a residential commons to a meditative plaza on the eastern edge of the site. He said this is a challenging land at Grand River Avenue and Town Center Drive. He stated that the City leaders were wise to gain control of this land, this image depicts the land that sits here today. Through our exhaustive inspection process we have learned a few things about this land. The green areas marked on the plans he was highlighting were a brownfield facility. He highlighted the plan where the gray areas on the plan around the pond on the City owned parcel to the west and the wetland area to the east contain compacted fill and organic soils. We have been discussing the commercial rehabilitation district process as it relates to this portion of this site. After three and a half years of hard work responding to challenging development conditions this plan leaves intact all four of the primary uses critical to the Sakura Novi vision. This plan has eliminated all ambiguity as evidenced by the 25 necessary deviations all of which is supported by the City of Novi staff. He said the staff has done a fantastic job and being very thorough and looking after the City of Novi's interests. He showed elevations for all of the buildings at Sakura Novi. He stated that their team was prepared to speak to the design principles that they created that they believe will help establish Sakura Novi as a contemporary

international themed environment. Our team has taken particular care to insure these principles flow harmoniously through each consonant of the project. Finally, we have crafted a robust list of public benefits offered by their team. There is a lot to absorb in this list. He didn't review it at the time, item by item. They are prepared to speak in detail about the list as you'd like. They were prepared to show with images their thoughts on the 1800 square foot family play area, and the 700 square foot meditative observation plaza. These amenities were requested specifically by the Novi Planning Commission. He said a consultant from Atwell Wetland Consultants will talk about the wetland mitigation strategy that we have been working on with City staff.

Don Beringer, Atwell Wetland Consultants, he has been a wetland consultant for over 20 years and has worked on many projects in the City of Novi. The project proposes impacts to state and City regulated wetlands on City of Novi owned property requiring 2.41 acres of wetland mitigation. In an attempt to comply with current City policies the current Novi has exhausted any practicable wetland mitigation within City limits. Multiple land cost analysis, discussion with City regarding wetland creation on other City owned parcels, and discussion with other land owners within the City and preservation of existing wetlands were all proposed. Subsequent to that their team has had multiple discussions regarding the use of established approved wetland mitigation bank. Their response letters to the City discussed in detail the merits of why they are the best option for this project. In short wetland banks provide much better replacement of wetland functions including wildlife habitat, water quality, and flood storage. In fact, the City of Novi recently mitigated beyond City limits by purchasing credits in an approved bank. Credits are available and details have been provided to the City. He explained that site wetland creation, as well as isolated small areas of wetland creation, do not replace the functions of values of large previously improved banks. Wetland banks are funded and are required to be maintained into perpetuity. Insuring functions and values remain as well as treating for invasive species which is very large issue within the City of Novi. Wetland banks are the preferred method of mitigation by the EPA and by EGLE, the State of Michigan's regulatory agency. He showed a couple of photos to the audience that showed the existing wetlands on site, and the pond area with the adjacent wetlands to the right. He talked about the phragmites, which is a highly invasive species that in southeast Michigan, the plants throughout that photo are phragmites, they dominate that wetland area. He showed another photo which was the balance of the wetlands on the site, which was a mixer of emergent and scrub shrub wetlands. Low quality wetlands as far diversity and function, they too are highly invasive with purple loosestrife and canary reed grass. He showed a photo of an actual mitigation project within the City of Novi performed by a previous firm that he worked at. It was highly successful during the monitoring period. Typical wetlands are monitored for five years and then a bond is released and no more monitoring is required. He showed a photo of the wetland during and after the monitoring period, after everything was successful, that was about six years after the monitoring ended. He said it is now dominated by the phragmites creating a monoculture severely depleting any diversity. He showed another example of wetland project, a mitigation project on site in a single family residential area in the City of Novi and it depicts what will be the next photo, there is a long linear wetland that was created in the backyards

of the homes to insure that wetland mitigation remained on site and within the City of Novi. Another photo was looking eastward on the lawn with the house showing the conservation easement sign and does have phragmites and invasive species. The lawn mowing has encroached into the conservation easement and there are several gardens in the area, and garden waste in the photos. His last photo was an actual approved wetland bank that is currently selling credits, it is becoming a forested wetland, and the large wooded species are sycamore trees which are growing healthily among the cattails and other diverse plants. They are typically 40 plus acres large, creating expansive wetland areas. Mayor Gatt thanked them both for their presentation.

Member Crawford asked regarding the Ecco Tool site is there any conceptual plans or thoughts as to what might be developed on that side if it became available. Mr. Aikens said that Mr. Peterson, the owner wants to stay in business in the current location. There isn't a plan because the business owner doesn't want it. He's been a great partner. Member Crawford wondered if it might have more residential because it surrounds the parcel. Mr. Aikens said it could be; there is potential there. There will be a restaurant and retail momentum. He said Phase 2B is 4500 more square feet of restaurant space. It could be many things.

Member Mutch asked City Planner Bell regarding the long list of deviations related to this specific project that Council is being asked to approved as part of the PRO process. He thought it would be helpful so Council could understand where these come from and how they come into play and walk through those. He asked if they could show us where the deviations are required or explain why they are required. It may give Council some sense of why they are being requested and whether they are justified. The applicant mentioned that stated staff supported all of the deviations requested. City of Novi Planner Bell replied yes that is true, but they haven't given a stated position on the wetland mitigation. They have left that for the Planning Commission and Council to make a decision. City Planner Bell highlighted the first deviation about the setback from the side property line is a B-3 Commercial Use, so they didn't feel it was required to provide protected buffer between a Commercial Use and a Commercial Use. That is why they supported that one. The general common element boundaries aren't very clearly shown because the way they are treating the property and dividing it up between the phases. A phase line could be right through the middle of the property, they said the internal lines won't impact anything off site would be supported. She stated that the 2nd floor residential balconies along 11 Mile Road to encroach 4 feet into the setback. She said a similar thing is allowed for uncovered front porches. They were allowing those residential balconies to extend in order to create more usable area in the central areas of the property. The side yard parking setback along the western property line, this is part of the Town Center parcel that is part of their open space requirement. She said the deviation for 5 feet instead of 10 feet; the applicant justified that because it allowed a wider pedestrian entranceway into project. The area also has trees there so they wouldn't need the whole space for landscaping. She stated the deviation for the wetland setback from 25 feet, the Town Center study in the Master Plan emphasized activation of that pond area. Rather than keeping people away from



it they wanted to bring people to it and activate the site by utilizing that so they were supporting that deviation. Member Mutch said that deviation would zero that out, so there would be no setback required. City Planner Bell replied yes. I would have the garden planted area and walkway around it. It is more of a water feature than wetland at that point. Deviation #6 was pertaining to the Ecco Tool parcel. That is an existing condition where their parking is. They wanted to make sure that was memorialized in the PRO Agreement. Member Mutch wondered if that was the purpose of including the parcel within the PRO at this time? They aren't developing the property and they have no plans for how property would be developed. Why is that pulled in? City Planner Bell replied that leaving a Light Industrial (I-1) use piece there could continue to operate in the future and be sold developed into a more intense by right use in Light Industrial (I-1). They thought that if they rezoned it now it will be developed as complimentary use in future. Deviation #7 was a small parking area with four spaces. There is a retaining wall that buffers the parking and only one and part of two of the parking spaces actually encroach into that area. In order to fit some parking there they supported deviation. She said deviation #8 and #9 concerned façade waivers. Deviation #8 addressed the commercial buildings on the site. There are some overages of flat metal panels, overall for the design of the commercial buildings their façade consultants thought they were high quality design and they supported the deviations that would enhance quality of the project. The residential buildings there is overage of cement fiber siding. They did increase the amount of brick on those buildings and replaced the previously approved vinyl with cement fiber siding which allowed the façade consultant to support those waivers. Deviation #10 concerned the loading and unloading spaces for the commercial buildings; because of the arrangements of the sites there is a lot that is front facing. It was hard to get it completely screened. The amount of space available on the site, they couldn't quite meet the ordinance standard for loading size. Deviation #11 and #12 will allow the commercial buildings to exceed 7,500 square feet. The ordinance for Town Center (TC-1) has very specific conditions about in which cases a building can exceed those for retail commercial, including a department store, or multilevel buildings. The Market and Building C, even though they will be divided up or at least Building C will be divided up into individual units and Building A does not meet the requirement for a department store they felt those were worthy of being supported. Member Mutch said in the PRO the City has some very specific language in there in terms of the square footage, his concern is getting too detailed with those numbers is obviously we are very preliminary we may run into a situation where they may have to jump through hoops to get an extra 500 square feet. If we get too detailed we make it more difficult because we have strict standards. He mentioned some language that talks about 10%, is that correct. City Planner Bell replied yes, that's correct. She said that is how they were attempting to address those minor shifts to not be too tied to a very specific number. Deviation #13 talked about site illuminance levels. The applicant indicated around the pond, because of the low bollard lights they are placing it is hard to meet the minimum standards unless they are spaced very close together. She was also concerned about residential areas providing too much light in that area where it would affect the residents negatively. Deviation #14 concerned exterior lighting fixtures and other site amenities. The Town Center Study lists specific site criteria. She said because it has a

different a design style and Asian theme, we didn't think tying it to Main Street was appropriate here. Member Mutch asked from the perspective of those kinds of amenities, how is it addressed. City Planner Bell said in that is addressed in the PRO concept plan. Member Mutch wasn't sure he saw those. He felt that those kinds of details will set the project apart. It is very important to see those illustrated. He understood they were concepts, we are not tying them down to a specific light fixture, but to see those amenities and where they are located. He thought it would make the difference between this being world class and then it just being another retail, residential development. Deviation #15 concerns signage design ordinance standards. The applicant proposed a doubling of the size requirements because they plan on having dual language signage for each of the tenants. They showed square footage areas on some of the elevations that were included in the packet and when staff looked at those, they didn't seem unreasonable. They were supportive of many of those that they proposed. They did remove one or two at this time because there wasn't enough information. Deviation #16 concerns a drive lane reduction. The residential lane width is reduced to 20 feet and 22 feet. She said it is a two foot reduction from required. The applicant has shown that the turning radius for emergency vehicles is possible and they have agreed to place no parking signage along curbs. Deviation #17 Town Center (TC-1) district requires 12.5 side walk along non-residential collectors. She said that Eleven Mile Road is considered a non-residential collector. They agreed the way it was written was not envisioning what Eleven Mile Road is, and the additional 6-6.5 feet would be better utilized with landscaping and greenery than a very wide sidewalk. Member Mutch asked about the parallel parking spots on Eleven Mile Road. City Planner Bell stated that the applicant didn't want to move forward with that concept. Deviation #18 concerned the landscape deviation to allow six foot evergreen hedge where a Town Center (TC-1) district abuts a B-3 district. Deviation #19 concerned Ecco Tool to continue because it would be rezoned to Town Center (TC-1) it's then a nonconforming use in the Town Center (TC-1) district which she already touched on earlier. Member Mutch asked about the language that we are using in the agreement specific to Ecco Tool, if for whatever reason they wanted to expand use on that property, does the language limit them? City Planner Bell said it does. It would follow the guidance for nonconforming uses included in the zoning ordinance. Deviation #20 is the engineering design manual section about 25 foot vegetative buffer which is required around a stormwater management pond in residential area. Engineering was ok with waving that because of tightness of site. Deviation # 21 concerns the lack of screening wall or berm for parking areas along Grand River because of the decorative fence and plantings. Deviation #22 concerned the insufficient greenbelt width and berm. They are doing retaining wall that will buffer that area. Deviation #23 concerned the use of sub canopy trees for 25% of the multi-family unit landscaping trees. She referred to Landscape Architect Rick Meader to address that further. Deviation #24 concerned the deficiency of three parking lot perimeter trees provided in Phase 1. Deviation #25 concerned the wetland mitigation. Member Mutch said he appreciated her going through all of the deviations. He stated that when we see all these deviations, it's a lot to absorb; it helps to give Council clarity. He had a few questions related to site design issues. They talked about our aging population in Novi. He didn't see anything specific to that. He asked about a shuttle

bus service to bring folks to the Market and if there was a location designated for that. City Planner Bell said there is nothing identified on plans. Member Mutch addressed the lighting issues. He was specifically interested in areas along Grand River and Eleven Mile Road. He wondered if we have pedestrian scale lighting in those areas versus roadway lighting. It would be similar to what we have in front of Huntley Manor as an example. Planner Bell said she was not aware. She asked the applicant if he knew. Mr. Aikens said they have pedestrian scale lighting along the façade along the building. He said they have low lighting ideally in the screening fencing and also accent lighting. He said they have the overall street lighting in that area and at each one of the intersections. They have all of the coach lamps on the entrances for each one of the residences. Member Mutch said it was mentioned that the lighting around the pond is a bollard type of lighting, how far apart is that? Mr. Aiken's said the bollard spacing said it is approximately 30 feet on center. Member Mutch asked if someone wanted to walk out there around midnight, there would be enough lighting? Mr. Aiken's replied, yes. The drop off between the two areas exceeds the Town Center (TC-1) parking area. Member Mutch asked City Planner Bell about the phasing lines for residential and commercial, he had hard time following that. He wondered if staff had any concerns about the phasing and how it's split up. Is the expectation on order? City Planner Bell said they mostly saw that it made sense to do this separately even though they are both a Phase 1 with a different developer doing each side. She said Phase 2 would be planted in a meadow seed and could be nice in the interim. She then said a green area for Phase 2B along with parking area.

Member Mutch said seeing the residential and commercial components together it will get tricky when one developer gets ahead of the other. Mr. Aikens said there is some partnership between the developers, but they are two different parties. Member Mutch asked City Attorney Schultz in terms of specifics and PRO language proposed he didn't see any language that talked about the timing of some of the amenities and contributions. He was concerned because other PRO Agreements we didn't have language like that and we get a year down the road and nothing has happened with the amenity side. He wondered if that was something that could be addressed more clearly so we can have a realistic expectation of when those things will happen and hold the developer accountable. City Attorney Schultz replied yes. When we come back with the PRO Agreement we will take those comments into consideration. We may have more leeway because we are the seller of property. Member Mutch asked how the Ecco Tool property is treated within agreement. He understood it is being rezoned as part of PRO Agreement. He assumed the owners are agreeing to these conditions. Have they been part of the conversation as to the language that is in here? City Attorney Schultz said yes. We required them to sign the application. He said the agreement itself when we finish drafting that there will be a signatory to that. Ecco Tools is actually selling a portion of property to the developer where the parking lot is where it is labeled Phase 2B. He stated that they need to be signatory to the PRO Agreement and co-applicant because we need to address nonconformity and give them some comfort level to continue as long as they want to continue. As far as he knows, they are a full and willing partner. Member Mutch asked about the future use of property. If they need to change the nature of their operation, he heard it would be nonconforming use

which legally they don't get to expand. City Attorney Schultz said that was correct. They would not be expanding; they wouldn't be changing a use unless it is to make it less intense which is how the ordinance reads. He said Council could make it more restrictive if that is what Council wanted to do. That would be our starting point for negotiation. That would be under of the rules of the ordinance, so no expansion. It is zoned Town Center (TC-1), so if they stopped and abandoned that use they would have to come in with a conforming use and an amendment to the plan. Member Mutch said he wasn't concerned, he liked the clarity and expectation. He questioned the residential piece, and it gets back to Ecco Tool. It talks about how they are limited to 118 units. If additional residential are proposed that they would need amendment. Is that trying to address is Ecco Tool goes away? He said residential seemed most logical. City Attorney Schultz said you would want to push what the redevelopment back up through the process so that Council would have a full say in it. Member Mutch mentioned Provision 11 and how it talked about removing additional trees beyond what they are expecting. He wondered if they are they required to replace those trees under that language. City Attorney Schultz said yes. Member Mutch said it wasn't clear to him, thank you for clarifying that. He also questioned the amenities component, he had concerns is if they don't move forward with the project and someone else comes back and says they want to do the plan, but they don't want to offer those amenities. How do we insure that we get all the bells and whistles? City Attorney Schultz said they could add language to the agreement to make sure that you get all of the bells and whistles. Member Mutch noted the architecture discussions. He said they have shown us concept plans and they have made statements about it the kinds of architecture, but he didn't see anything that holds them to that. City Attorney Schultz said they will. He talked about the list of things that are placeholders for when we draft the agreement, you will see more detail. Member Mutch thanked City Attorney Schultz for covering all of the questions he had. Member Mutch asked City Manager Auger about the wetland mitigation. He knew the City has wetland mitigation sites that we own within the City of Novi. He wondered if we have anything available for them to use knowing that this is a private development verses what we have used it for which is for public projects. Was there discussion about using one of the City's properties? If so, why did we move away from that? City Manager Auger said yes, we did look at that our properties and anything that we could use to mitigate to help this project keep moving forward. The developer even drew up on some of our property in an attempt to get the mitigation close to site. He stated that the amount of land they need and also the amount of land we need in upcoming road projects, we would be just kicking the can further down the road because we anticipate mitigation in some of the larger road projects. We weren't able to find something in the City that we owned. We also looked at other properties that could be manageable. Some sites are good, but when they are small, and after the initial five year monitoring period they get away from maintaining and allowing phragmites. Sometimes it is better to partner with EGLE and allow for a larger area that is better for ecosystem. Member Mutch commented that he didn't have particular concerns in terms of what's been proposed. He thought that some areas need the language tightened up in terms of specifics to ensure the final product is consistent with the vision that's been presented. He liked what they have done to ensure access to pond area. He would like to clarify language in terms of

nature of the access. He was concerned about residential density. His gave his personal opinion and said if we are going to have high density residential development in this City that in the area of the City where we are trying to create a more walkable environment is where it makes the most sense. He didn't want to see it where low density surrounds. Here the residential component can help support uses and activate this area in a way that was always the vision. He would love to see less parking and more green space, but this is intended to be a more urban area.

Mayor Pro Tem Staudt asked if this was a two part motion. City Attorney Schultz said it is all part of the same motion. He wondered if we were considering purchasing property in the future to have a wetlands mitigation land bank. Is that something that we are going to put on our radar to do? City Manager Auger said we were approached a year ago on a different development to actually look into that. Timing wise and getting and getting the project going we didn't have time to do all of our research on that. We can probably start working on that if that is Council's desire. Mayor Pro Team Staudt said it might fit into our goal of 50 acres of purchase land each year. He said this development is too far along to take the time to develop that. Moving forward he thought it was something worth us pursuing.

**CM 20-03-025                      Moved by Staudt, seconded by Gatt; CARRIED UNANIMOUSLY**

Approval of the request of Robert B. Aikens & Associates, LLC and Robertson Brothers Homes, for Sakura Novi, JZ19-31, with Zoning Map Amendment 18.732, to rezone property from Office Service (OS-1), Office Service Commercial (OSC), and Light Industrial (I-1) to Town Center-1 (TC-1), subject to a Planned Rezoning Overlay (PRO) Agreement, and corresponding PRO Concept Plan to be updated to reflect the applicant's proposed changes as reviewed by the Planning Commission on February 12, 2020, and direction to the City Attorney to prepare a proposed PRO Agreement with the following ordinance deviations:

1. Deviation from Section 3.27.1.C for an exterior side yard setback of 10 feet (50 feet required) for Building A, where adjacent to B-3 zoning to the east, *which is justified due to similar commercial uses in both districts, which does not require a wide buffer of separation.*
2. Deviation from Section 3.27.1.C to allow building and parking setbacks to be reduced up to 0 feet when adjacent to General Common Element boundary areas of the Site Condominium, *as they are internal to the overall site and do not create a negative impact on the development or surrounding properties.*
3. Deviation from Section 4.82.2.e. to allow second floor residential balconies to encroach 4 feet into the front yard setback (11 feet proposed, 15 feet required), *in order to allow the enhancement of the central landscape area.*

4. Per section 3.1.26, deviation to allow a reduction of the side yard parking setback (10 feet required, up to 5 feet requested) in Phase 1 on the western property line with the Town Center green space area adjacent, *in order to provide an increased sidewalk entrance width near Building C*. Deviation would also allow the parking setback to be reduced to 5 feet (10 feet required) for the commercial parking area behind Building A adjacent to the B-3 zoned parcel to the south, *which is also utilized for parking*.
5. Deviation from section 3.6.2.M to eliminate the Wetland Setback (25' required) *which will be disturbed during the remediation process, and allow the development of the landscaped public amenity on the western portion of the site with active and passive recreation*. Deviation would also pertain to the far eastern portion of site, abutting city-owned retention/wetland basin, *to allow integration of the on-site stormwater detention*.
6. Deviation from Section 3.1.26.D to allow the existing front yard parking lot along 11 Mile Road for Ecco Tool shop, which is less than 20 feet from ROW (approximately 15 feet measured). This deviation would not apply to redevelopment of the Ecco Tool parcel.
7. A second deviation from Section 3.1.26.D to allow the parking area in front of Building 4 on the northeast corner of the site to extend into the front parking setback (6 feet proposed, 20 feet required), *as the retaining wall to the north will screen this area from 11 Mile Road*.
8. On the commercial buildings, Section 9 façade waivers to allow an overage of EIFS on the west, east and north facades of Building A; an overage of Flat Metal Panels on the west and east facades of Building B; and an overage of EIFS on the west façade of Building C. *These overages are relatively minor in nature and result in an enhancement of the overall design quality of the project; therefore the waivers are supported. See PRO plan Elevations and design statement from the project architects*.
9. On the residential buildings, a Section 9 façade waiver to allow an overage of Cement Fiber siding. *The applicant shall ensure all references to Vinyl siding on the elevations and accompanying documents are revised to reflect the change in material to Cement Fiber board siding. See PRO plan Elevations and design statement from the project architects*.
10. Deviation from Section 3.27.1.H. and/or Section 5.4 to permit loading/unloading spaces of the commercial buildings to be located in rear and side yards, and for deficiencies in the

size of loading area required (10 square feet per front foot of building), as shown on the PRO Concept Plan, if truck turning movements are shown on the plans to demonstrate accessibility. *This is necessary because multiple sides of the buildings will be public-facing. Screening will be provided for all trash/loading areas not facing a directly adjacent loading area.*

11. Deviation from Section 3.27.2.B to allow the proposed specialty market and food hall to exceed 7,500 square feet of gross leasable floor area, with a total of 30,000 sf on two levels, identified on the plans as Building A. Tenant will contain 25,000 sf on main level with 3,500 sf support office use and 1,500 sf overflow seating on mezzanine level. *The deviation is justified to create an anchor for the Asian village concept and allows an existing Novi business to expand.*
12. Deviation from Section 3.27.2.B to allow Building C (13,102 sf) to exceed 7,500 square feet, as it is not a multi-story building. *Building C will contain a mix of retail and restaurant uses, and will be broken up into smaller tenant spaces and continue to build on the Asian dining and retail destination theme.*
13. Deviation requested from Section 5.7.3.K for site illumination level variance for multiple walkway areas and residential parking areas. Site walkway areas will vary below 0.2 fc minimum standard on the pathway around the water feature. Site walkway areas in the residential portion will vary below 0.2 fc minimum standard. Parking area in residential area will fall below 0.2 fc minimum standard in some locations. *Lighting levels will be evaluated again for appropriateness at the time of Site Plan submittal.*
14. Deviation from Section 3.27.1.L to allow project-appropriate selection of exterior lighting fixtures, paved activity nodes, street/sidewalk furniture, safety paths, screening walls and planters, *which is necessary to carry the design theme through the project while meeting the intent of the recommended design guidelines of the Town Center Area study.*
15. Deviation from Chapter 28 of the City Code for TC-1 tenant signage standards *in order to accommodate dual-language signage for an authentic presentation of international tenants and clientele expectations.* Many tenants will have both interior-facing and frontage-facing signage. The Sakura Novi project will adhere to the following signage standards, with areas generally shown on the sign elevations sheet in the Concept Plan:

- a. Per section 28-5.c.1.a, deviation to allow up to 2.5 square feet of signage per linear foot (1.25 sf/lf permitted) of contiguous public or private street frontage, up to a maximum of 130 square feet (65 sf permitted).
  - b. Per section 28-5.c.1.b, deviation to allow 2.5 square feet of signage per linear foot (1 sf/2 lf allowed) of contiguous public or private street frontage on a rear/secondary façade with a pedestrian entrance, up to a maximum of 130 square feet (24 sf allowed).
  - c. Per section 28-5.c.1.d, a deviation to allow 2 signs of equal permitted size for each interior retail/restaurant tenant not fronting public streets. Sign area allowed up to 2.5 square feet of signage per linear foot of elevation frontage, up to a maximum of 130 square feet (24 sf permitted). The signs shall be located no closer than 30 feet on center from any other similar sign (except those of the same message but different languages, which may be located closer), and shall be located adjacent to such parking lot or street, as applicable.
16. Deviation from Section 5.3.2 to allow drive lane reduction to 20-22 feet (22 feet required when no parking spaces are present, and 24 feet when adjacent to 90 degree parking spaces) in residential Phase 1B area as shown on the Concept Plan, provided no parking signage is posted in these areas and provided sufficient clearance is available for emergency vehicle movements.
  17. Deviation from Section 3.27.1.I to allow a 6 foot sidewalk along 11 Mile Road, where the TC-1 district requires 12.5 foot sidewalks along non-residential collector and local streets. *The deviation is necessary to provide sufficient landscaping material for the greenbelt screening while maintaining the proposed setbacks for the residential uses (11' to porch and 16' to townhouse facades, 15' to facades without porches). A wide sidewalk along 11 Mile Road would not serve the intended purpose of outdoor dining or pedestrian activity in a commercial area.*
  18. Landscape deviation from section 5.5.3.A to allow a continuous 6 foot evergreen hedge with densely planted deciduous canopy trees in lieu of the required 6-8 foot berm required when TC-1 district abuts a B-3 district.
  19. Deviation to allow Ecco Tool to continue to operate as a nonconforming use in the TC-1 district until their operations cease, *which allows an existing business to maintain operations, while ensuring that redevelopment in the future will be consistent with the surrounding TC-1 District, should the Planned Rezoning Overlay be approved.*



20. Engineering Design Manual section 5.6.5 (b)(a) deviation for lack of 25' vegetated buffer around the storm water management pond in the residential use area, *as providing the buffer is infeasible.*
21. Landscaping deviation from Section 5.5.3.B.ii and iii. for lack of screening wall or berm for parking areas along Grand River, *because a decorative fence and plantings are used as an alternative to screen the parking areas.*
22. Landscaping deviation from Section 5.5.3.B.ii and iii. for insufficient greenbelt width and berm between parking lot and 11 Mile Road (Phase 1B), *as the retaining wall will screen this parking area.*
23. Landscaping deviation from Section 5.5.3.F.ii. for use of subcanopy trees for 25% of multifamily unit landscaping trees.
24. Landscaping deviation from Section 5.5.3.C for deficiency of 3 parking lot perimeter trees provided in Phase 1, *in order to provide room for increased pedestrian sidewalk entrance width from Grand River Avenue into the site.*
25. *Deviation from Section 12-176 of the Code of Ordinances to allow the developer to mitigate wetland impacts in whole or in part through the purchase of credits in an EGLE-approved wetland mitigation bank, because mitigation alternatives meeting the requirements have been explored and have been found to be cost-prohibitive for this project, subject to the conditions listed in the Wetland Review letter.*

*The following conditions shall be requirements of the Planned Rezoning Overlay Agreement:*

1. *Acceptance of applicant's offer of public benefits as proposed:*
  - a. Developer offers to dedicate continuous Right-of-Way (ROW), and future ROW, along 11 Mile and Grand River. The amount of ROW proposed to be dedicated along 11 Mile is 0.028 acres (Anglin) and 0.165 acre (eastern area). Along Grand River Avenue, the proposed ROW dedication would be 0.149 acre. The total dedication would be 0.342 acre.
  - b. Developer offers an easement at the southeast corner of the proposed development for the use as for a public art display or another amenity for the public. The PRO Agreement should make clear who would be responsible for selecting, commissioning, paying for the piece or signage and maintenance of the area.
  - c. Developer offers to partner with the STAMPS School of Art and Design at the University of Michigan and the

Japanese America Society to source a Japanese-themed illuminated applique that will be placed in a prominent location on Building C overlooking Grand River Avenue, as shown in the applicant's response materials.

- d. Developer offers to make a contribution, not to exceed \$117,001 to a dedicated account that will fund Walkable Novi work in the Sakura Novi vicinity. This amount is approximately equivalent of the cost of Segment #66 listed on Page 19 of the "Annual Non- Motorized Prioritization: 2019-2020 Update."
- e. Developer offers to pay the cost to make the connection between the Sakura Novi campus and the intersection at the corner of Grand River Avenue and Town Center Drive. While developer is not, and will not be, the owner of the private property on the corner of Grand River Avenue and Town Center Drive, and Developer does not have permissions to interfere with real property on that corner parcel, the Developer will work together with the City of Novi to seek to make the connection, and the Developer will pay for the work.
- f. Developer will build an approximately 1,800 square foot multi-use / multi-generational recreational amenity that is in keeping with the theme of the Sakura Novi project in the general area as originally designated for "Tea House" on the northwest corner of the pond, as a part of Phase1.
- g. Developer will build an approximately 700 square foot meditative Observation Plaza east of the Sakura Novi residential commons, overlooking the eastern detention area and city wetland preserve.
- h. Developer offers to pursue a partnership with One World Market and Novi Public Library to provide an area within the Sakura Novi project for the library to curate thematic material and information about library programs. The market has agreed to provide a 12 sf area in the vestibule of the market. The structure curated by the library will be similar to a Free Little Library. The Developer and Novi Public Library have discussed having the library curate in this area a collection of Japanese language material and English language cook-books about Asian cuisine.
- i. Developer and the Market offer to establish a Community Room function within the Market space available for free use for public gathering and meetings. The parameters of the Community Room function, including room size (approximately 400 square feet),

capacity and availability, shall be a condition of the PRO Agreement to ensure this would be a benefit to the public. One function of the room could be to deepen the partnership with Novi Public Library by working collaboratively to present thematic speakers and events.

2. Developer shall develop the Land in accordance with all applicable laws, ordinances, and regulations, including all applicable setback requirements of the Zoning Ordinance under the Proposed Classification, except as expressly authorized herein, and all storm water and soil erosion requirements and measures throughout the site during the design and construction phases of the Development, and during the subsequent use of the Land as contemplated in this Agreement.
3. The grass-land pads shown on the landscape plans shall be properly maintained as grass-land pads, utilizing a native meadow planting mix approved by the City's Landscape Architect, until such time that area is needed for Phase 2 uses to be developed.
4. The maximum number of dwellings to be constructed in Phase 1B shall be 68.
5. The maximum number of dwelling units to be constructed in Phase 2 shall be 50.
6. The maximum number of dwelling units to be constructed in total for the Sakura Novi project seeking rezoning under this PRO Agreement shall not exceed 118. The resultant ratio is approximately 8 units/acre. A PRO Amendment will be sought if additional residential units/buildings are proposed for future Phase modifications.
7. Phase 1 non-residential uses shall be limited to a 30,000 sf market; and restaurants and retail space totaling approximately 25,000 sf as shown on the PRO Concept Plan.
8. Phase 2 non-residential uses shall be no greater than 4,500 square feet of retail/restaurant use.
9. Changes to the mix of uses of +/-10% shall be permitted to be approved administratively as long as additional deviations are not required and associated Ordinance requirements can be met.
10. Woodland tree removals during Phase 1 and Phase 2 shall be approximately 133 trees, which shall require 256 woodland replacement credits for Phase 1, and an additional 13 credits for Phase 2. Developer will plant a minimum of 17 credits as replacements on site through the planting of canopy trees, evergreen trees and native groundcover seeding. Native ground cover seeding shall not

- exceed 5% of the replacement credits planted on site. All woodland replacement credits planted on-site shall be permanently protected via conservation easement or landscape easement. Any credits not planted on site will require a payment of \$400 per credit into the Novi Tree Fund.
11. Any additional regulated woodland tree removals shall meet the requirements of the City of Novi Woodland Protection Ordinance, and may be granted administratively up to 10 trees with proper justification. If additional regulated trees proposed for removal exceeds 10, Planning Commission approval must be granted.
  12. Proposed parking is being provided as per the Parking Study recommendations, which has been reviewed and approved by the City's traffic consultant. Future phase parking requirements will also be a function of shared parking analysis findings, if supported by City's review and approval.
  13. Tentative completion date for Phase 1A shall be calendar year 2022.
  14. Impacts to wetland and wetland buffer areas have been indicated and quantified and submitted as part of the PRO package. Specific remedies to be included in the PRO Agreement conditions.
  15. Open space standards have been achieved and will be exceeded as part of Phase 1 site work. The existing pond and setback exceeds 2.45 acre of area, or 15.3% of the overall subject property. After remediation and necessary reconfiguration, 2.11 acre of water feature and landscape perimeter will be maintained. Additional Open Space, totaling 20.9% of the subject parcels' area, has been committed in Phase 1 to exceed the ordinance requirement of 15% for the overall development parcels.
  16. To protect future residents of the Phase 1B units from excessive noise impacts from the existing Ecco Tool business, the developer shall provide a Noise Impact Statement at the time of Preliminary Site Plan submittal to determine if ordinance performance standards will be exceeded. Provide any necessary mitigation measures if required.
  17. The adjacent non-conforming Light Industrial use owned by Ecco Tool Co is to be addressed in the PRO Agreement conditions including:
    - a. Access for delivery trucks on the retained parcel; which will require cross access rights;
    - b. Twelve parking spaces on the retained parcel or access to parking spaces on adjacent areas to make up for any shortfall.

*This motion is made because:*

1. The proposed neighborhood-scaled, mixed-use, pedestrian accessible development would be in line with the intent of the 2016 Master Plan. Developer indicates that the proposed development complements the 2016 Master Plan vision for a unique, well designed, mixed-use facility.
2. Growing an important existing Novi retailer (One World Market) would complement the goals and objectives of the 2016 Master Plan.
3. Sakura Novi, as a unique development would reinforce the vision of the 2014 Town Center Area Study, namely by creating *a dynamic, attractive city core that provides residents and visitors with unique opportunities to participate in active community life, and meet their needs for goods, services, housing and entertainment.*
4. The proposed Sakura Novi, with its unique collection of market, restaurants and retail is anticipated to be an economic engine, generating 170 permanent jobs.
5. The proposed residences at Sakura Novi will provide smaller footprint, middle-market rate residential rental offerings. The new homes would be a draw as temporary living opportunities for expatriate professionals and their families drawn to the City for work or other cultural reasons, as well as the large corporations that sponsor many of these families.
6. The developer indicates that the proposed Sakura Novi is anticipated to reinforce Novi's tax base beyond the project itself by creating a platform that can foster partnerships among the City of Novi, cultural institutions and the corporate community. An example provided is the partnership with the STAMPS School of Art and Design at UM, and the Japan America Society to create a Japanese-themed illuminated applique (a back-lit piece laid over glass, proposed to be located on Building C facing Grand River).
7. The development will create a park-like environment around the existing pond, including a walking path around the pond and throughout the site, available to the general public. Landscaping treatments, the pathway, and a play area at the edge of the pond will "activate" the pond. These efforts will foster walkability and connectivity within an important corner at the heart of Novi, as well as potentially energize other areas in the Town Center core.
8. In keeping with the intent to create an Asian village theme, Sakura Novi's design features, as described in the Architects' Design Statements, intends to create a bold, yet refined, aesthetic reminiscent of upscale shopping, dining and

entertainment districts one may find in Osaka, Seoul and Hong Kong.

The City Clerk is also directed to publish notice of the City's intent to establish a Commercial Rehabilitation District in connection with the subject property, in accordance with Section 3 of PA 210 of 2005, MCL 207.843, and to hold a public hearing on the issue as required by law. The Clerk shall also provide notice to all parties of the hearing as required by law.

Member Breen said the list of proposed benefits was impressive. She was happy to see them. She was happy to see when it comes to a rezoning that we ask what the benefits to the public are. She had a few questions regarding the residential component. What is the price point? Who are these residential homes being geared towards? Mr. Aikens said he would let Robinson speak to that. He said the residential is geared towards the missing middle market. He has an interest in the expatriate community as well. He said a lot of the young families that are coming in for two to five year shifts; he thought it would be a natural for that. The folks really do appreciate being able to walk to One World Market today from the Main Street Village area. Tim Loughrin from Robertson Brother's Homes, 6905 Telegraph Road echoed what Mr. Aikens said about the type of renter we are looking for would be an urban professional, someone that would buy in to the Sakura Novi-theme. He believed it would be really popular in that respect. He said it is still early with price point. They are doing a market study, he anticipates about \$1.40 to \$1.75 per square foot a month. They have two types of units from 1200 to 1500 square foot. They are working through all of those numbers. Member Breen thanked the staff for the intense work that has been done on this property. It is an exciting development. When it comes to rezoning and determining what would be the best for the City these are the types of public benefits that we want to see. It has been a long haul. She said she would support this, she is excited to see this move forward.

Member Casey said it is nice to be at this point. She thanked everyone that was involved in all of the hard work. She asked Mr. Aikens from a site plan perspective is their intent, and Robinson Brothers as well, intent to level and grade the whole plot at one time or is there a phased approach to doing that. Member Casey was asking more about the trees on the east side. Mr. Aikens thought it would be done at the same time. She thanked him for the clarification. She had a little bit of heartache with the wetlands, not requiring that we have mitigation within the City. She appreciated what they did. The only choice we have to is to enable the mitigation outside of the City. She said she would support it for that reason.

Member Fischer said he was struggling with the timing of the phases. He asked Mr. Aikens to walk him through the phases. Mr. Aikens said Phase 1A is retail commercial. They have an agreement with One World Market. They have a specific timeline and they are a client, they are serving them and delivering their space. They have been very aggressive with what they are trying to do. They are looking to break ground in

August. He felt that Phase 1A and Phase 1B can be proceeding right from there. Possibly roll through Phase 2A in due course as it is fairly harmonious with what Phase 1A is. Member Fischer wanted specific timelines. Mr. Aikens guessed by the year 2022. Phase 2B there is uncertainty. Mr. Loughrin from Robertson Brother's said they are heavily invested and wants to move forward as fast as possible. They will move through it, maybe 1-1.5 years for full construction of all units from start to finish. They would lease up as quickly as they can, they are anticipating success here and then they can roll to Phase 2 as soon as possible. Member Fischer said he also had concerns on the wetlands mitigation, but appreciated the comments by the consultant and some of the other discussions he has had with staff. He said he was willing to support at this time.

Mayor Gatt commented for the record. It has been a long and winding road. It has been years. He was very excited. He said when this is completed it will become the most prolific spots in the City of Novi. He thanked everyone for their hard work.

**Roll call vote on CM 20-03-025**

**Yeas: Casey, Crawford, Fischer, Mutch, Gatt, Staudt, Breen**

**Nays: None**

**3. Consideration of approval and adoption of:**

- (A) Resolution of Understanding authorizing the Oakland County Brownfield Redevelopment Authority (OCBRA) to undertake review of a Brownfield Plan proposal for the Sakura Novi Development, located on the north side of Grand River Avenue near Town Center Drive, and to collect various fees in connection with the proposal;**
- (B) Resolution Concurring in the provisions of a Brownfield Plan submitted to the OCBRA utilizing tax increment financing for a period of approximately six years, ending no later than 2027.**

City Manager Auger explained that his is a tool since the City does not have brownfield authority we utilize Oakland County's Brownfield Authority to manage this process. It is a reimbursement process where the developers will clean up the dirty site and be allowed to be reimbursed over a number of years. He said on Page 379 in the Council Packet and the Resolution on Item B it says 6 years, that is a number we were using that was the quickest it could be paid back if it rolls right through. It should state up to 12 years. So that would be 6 to 12 years to allow for the unknown markets that can happen over the next couple of years for that payment to be made. He said the motion should be amended to say the 12 years versus the 6 years we were working with. The end date should read no later than 2033. City Attorney Schultz said he took the 6 years out of their Brownfield Plan which is the most ambitious pay off period. The developer and the City Manager have agreed to a 12 year, so it should say approximately 12 years, ending no later than 2033.

**CM 20-03-026**

**Moved by Fischer, seconded by Staudt; CARRIED UNANIMOUSLY**

**Approval and adoption (subject to PRO Concept Plan and PRO Agreement approval and site plan approval) of:**

**(A) Resolution of Understanding authorizing the Oakland County Brownfield Redevelopment Authority (OCBRA) to undertake review of a Brownfield Plan proposal for the Sakura Novi development, and to collect various fees in connection with the proposal;**

**(B) Resolution Concurring in the Provisions of a Brownfield Plan adopted by the OCBRA utilizing tax increment financing for a period of 12 years, ending no later than 2033.**

Member Mutch asked City Manager Auger to clarify the brownfield tax increment tax capture. Is that 100% or 50%, how much of the new revenue is being captured? City Manager Auger replied that it is 100% reimbursable. Member Mutch stated that there are school, city, and the county millage that are captured, but they are some that are excluded like debt millage, Art Institute, and the Detroit Zoo, they are not included. City Manager Auger said he believed that is correct. Member Mutch said we have a base value that is set pre-development and then all the new value that comes as these various pieces come together when they come online in terms of taxable value would normally be captured by the City and various taxing entities. Those are captured by the Brownfield Authority, and those revenues are paid back to the developer for their costs as they expend them. They would have a list of their activities and seek reimbursement. City Manager Auger said Member Mutch was correct. He said this developments clean-up will be all in the first Phase. He said some developments are multi-phase so the clean-up is extended out for many years. He explained the brownfield work will be done up front and then the reimbursement will be what is lagging down the road. Member Mutch asked if this cost is fixed. If they get out there and the cost doubles can they seek additional reimbursement? City Attorney Schultz said it is to the number that is listed in their plan. Member Mutch asked if our role in this is approving Oakland County moving forward with this, in theory they could do this without our approval. City Attorney Schultz said they have to get our approval. Member Mutch clarified that Oakland County will capture all of the new tax revenue from these various things up to the point that they cover all their costs that are eligible up to the amount listed and from that point forward the City will start capturing the revenue. He said this project is unique and we've had all these conversations about this. He has had problems with what the developers are doing in terms of accessing those dollars. He thought everyone recognized what is going on with this site as far as historical use of the pond, the car wash using the pond as its filtration system or whatever they were doing there so there are legitimate issues that need to be addressed. He wanted everyone to be clear in terms of the impact that we will not see a lot of new tax dollars from this site until those costs are paid up. He wondered about the Corridor Improvement Authority and how that interplays with the tax dollars? Are they able to capture revenue? City Attorney Schultz believed they didn't capture revenue until this is done. That was his understanding. City Manager Auger said it is done by date of inception until you get a brownfield and then there is an agreement between the authorities on how they are paid off. He has not seen the details on that, but that is normally how it is done.



Roll call vote on CM 20-03-026

Yeas: Crawford, Fischer, Mutch, Gatt, Staudt,  
Breen, Casey  
Nays: None

AUDIENCE COMMENT: None

COMMITTEE REPORTS: None

MAYOR AND COUNCIL ISSUES: None

COMMUNICATIONS: None

**CONSENT AGENDA REMOVALS FOR COUNCIL ACTION:**

Member Fischer removed Consent Agenda Item C for further discussion. He said that this item had to do with the implementation of a school speed limit on Wixom Road and Eleven Mile near Deerfield Elementary. He mentioned the traffic consultants had made a recommendation about the utilization of using flashing beacons. He wanted to know if staff intended to go ahead and implement that recommendation at this time. City Manager Auger stated that City Engineer Croy would be able to answer that question. City Engineer Croy explained that it is common for our consultants to offer options for the City to consider and then we make a decision based on their recommendation and any other relevant information that we have in front of us. He said that we may or may not go with their recommendation. We do use their expertise to come to a final decision. Member Fischer appreciated that, but he would like to go ahead and approve this tonight, but he was hoping that City Administration would be directed by Council tonight to go ahead, but would like City Administration to provide information about this back to Council in an Administrative Packet. He was also looking at other benchmarks in communities that have major thoroughfare where schools are. He was thinking as example of Taft Road in Northville, they use flashing beacons there also. He asked for City Administration to provide further information to Council in those respects.

- C. Approval of (1) Traffic Control Order 20-01 for the implementation of a 25 MPH school speed limit on Wixom Road from 1,000 feet south of Eleven Mile to 1,000 feet north of the northern property line of the Novi Community Schools District parcel on school days only during the periods of 7:15 AM to 9:15 AM and 2:30 PM to 4:15 PM and, (2) Traffic Control Order 20-02 for the implementation of a 25 MPH school speed limit on Eleven Mile Road from Wixom Road to 1,000 feet east of the eastern property line of the Novi Community Schools District parcel on school days only during the periods of 7:15 AM to 9:15 AM and 2:30 PM to 4:15 M.

**CM 20-03-027      Moved by Fischer, seconded by Casey; CARRIED UNANIMOUSLY**

**Approval of (1) Traffic Control Order 20-01 for the implementation of a 25 MPH school speed limit on Wixom Road from 1,000 feet south**

of Eleven Mile to 1,000 feet north of the northern property line of the Novi Community Schools District parcel on school days only during the periods of 7:15 AM to 9:15 AM and 2:30 PM to 4:15 PM and, (2) Traffic Control Order 20-02 for the implementation of a 25 MPH school speed limit on Eleven Mile Road from Wixom Road to 1,000 feet east of the eastern property line of the Novi Community Schools District parcel on school days only during the periods of 7:15 AM to 9:15 AM and 2:30 PM to 4:15 PM.

Roll call vote on CM 20-03-027

Yeas: Fischer, Mutch, Gatt, Staudt, Breen,  
Casey, Crawford  
Nays: None

**ADJOURNMENT** – There being no further business to come before Council, the meeting was adjourned at 8:39 P.M.

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Cortney Hanson, City Clerk

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Robert J. Gatt, Mayor

Transcribed by Cortney Hanson  
Date approved: March 23, 2020